

S.B. CRIMINAL REVISION PETITION NO.177/2006
(Smt. Chandu & Ors. Vs. Devilal)

Date of order : 13.4.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Deepak Menaria, for the petitioners.
Mr. R.S. Chundawat, for the respondent.

Heard learned counsel for the parties.

This revision petition has been filed by the petitioners challenging the order dated 23.2.2006 passed by Judge, Family Court, Udaipur by which maintenance of Rs.1000/- in all was allowed to the non-petitioners; Rs.700/- to the wife and Rs.300/- to the daughter of the petitioner.

The petitioners have prayed for enhancement of the maintenance allowance on the ground that admittedly, as per the income certificate filed before the family court, the non-petitioner is earning Rs.10,220/- per month. Therefore, amount as awarded by the trial court is not proper and may be enhanced.

It is contended by the learned counsel for the non-petitioner that after deduction from the salary, the non-petitioner is getting only Rs.5782/- and he has to look after his father and mother who are also residing with him.

while considering the facts and circumstances of the case and the specific fact that as per the income certificate, the non-petitioner is getting salary of Rs.10,220/- per month and in the interest of justice, the impugned order is modified and the amount of Rs.1000/- in all as awarded by the Family Court is enhanced and non-petitioner is directed to pay maintenance of Rs.2700/- per month in all to the petitioners; Rs.1200/- to the wife and Rs.1500/- to daughter.

with the aforesaid modification, the revision petition is disposed of.

(GOPAL KRISHAN VYAS), J.

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